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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,) Case No.: SA 10-004 M
Plaintiff,) ORDER OF DETENTION [8 U.S.C. § 1326]
[flight only]
vs.)
JOSE MARTIN PEREZ SESMA,)
Defendant.)

Before the Court is the Government's request for an order detaining the defendant on the ground that there is a serious risk defendant will flee. The Government is not entitled to a rebuttable presumption that no condition or combination of conditions will reasonably assure defendant's appearance as required and the safety or any person or the community.

The Court has considered all of the evidence adduced at the hearing and the arguments and/or statements of counsel. The Court has also considered: (1) the nature and circumstances of the offenses; (2) the weight of evidence against the defendant; (3) the history and characteristics of the defendant; and (4) the nature and seriousness of the danger to any person or the community.

The Court finds that no condition or combination of conditions will reasonably assure the defendant's appearance as required, and that the defendant is a flight risk because of the following factors:

- (X) status as an illegal alien,
 - (X) insufficient bail resources,
 - (X) insufficient ties to the local community and strong ties to a foreign country,
 - () current state custodial status,
 - () use of aliases and/or multiple name variations,
 - () prior failure to appear,
 - () use of more than one social security number, and () more than one birth date,
 - (X) unstable/lack of employment history,
 - () prior violation of probation revocation,
 - (X) extensive criminal history,
 - () history of illegal drug use or substance abuse,
 - (X) prior deportation, and
 - (X) Defendant submitted to the Government's request for detention.
 - (X) Pretrial Services's report and recommendation to detain the defendant for the reasons set forth in the Pretrial Services's report.

IT IS THEREFORE ORDERED that defendant be: (1) detained prior to trial and committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal; and (2) afforded reasonable opportunity for private consultation with counsel. IT IS FURTHER ORDERED that, on order of a Court of the United States or on request of any attorney for the Government, the person in charge of the corrections facility in which defendant is confined deliver defendant to a United States marshal for the purpose of an appearance in connection with a court proceeding.

Dated: January 22 , 2010

/s/ Arthur Nakazato
ARTHUR NAKAZATO
UNITED STATES MAGISTRATE JUDGE